

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Connect America Fund)	WC Docket No. 10-90
)	
High-Cost Universal Service Support)	WC Docket No. 05-337
)	
Federal-State Joint Board on)	
Universal Service)	CC Docket No. 96-45
)	
Lifeline and Link-Up)	WC Docket No. 03-109

COMMENTS OF

**ACCESS HUMBOLDT
AKAKU: MAUI COMMUNITY TELEVISION
APPALSHOP
CENTER FOR MEDIA JUSTICE
CENTER FOR RURAL STRATEGIES
CALIFORNIA CENTER FOR RURAL POLICY
INSTITUTE FOR LOCAL SELF-RELIANCE
MAIN STREET PROJECT
MEDIA LITERACY PROJECT
MOUNTAIN AREA INFORMATION NETWORK
PARTNERSHIP OF AFRICAN AMERICAN CHURCHES**

Edyael Casaperalta
Programs & Research Assoc.
Center for Rural Strategies
46 East Main Street
Whitesburg, KY
(956) 457-6126

April 21, 2011

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To: The Commission

**COMMENTS OF THE
RURAL BROADBAND POLICY GROUP**

Access Humboldt, Akakū Maui Community Television, Appalshop, the Center for Media Justice, the Center for Rural Strategies, the California Center for Rural Policy, the Institute for Local Self-Reliance, Main Street Project, Media Literacy Project, Mountain Area Information Network, and the Partnership of African American Churches (collectively The “Rural Broadband Policy Group”) file these comments in the above captioned proceedings.

The attached “RBPG Universal Service Fund Comments” in its present form as submitted, constitutes the comments and recommendations of the above listed organizations. The Rural Broadband Policy Group consists of organizations dedicated to rural broadband, rural development, or are otherwise involved in digital inclusion policies.

Respectfully submitted,

Edyael Casaperalta
Programs & Research Assoc.
Center for Rural Strategies
46 East Main Street
Whitesburg, KY
(956) 457-6126

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I. Introduction

As more everyday activities move online, fast, affordable, and reliable access to the Internet becomes a necessity. Yet, the Federal Communications Commission estimates that broadband Internet service is completely unavailable to at least 14 million Americans. The 2010 study by the Pew Internet & American Life Project shows that only half of rural residents have broadband in the home, compared to the national rate of 66 percent. While the National Broadband Map recently released by the National Telecommunications and Information Administration shows that despite the broadband adoption increase to 68 percent, only 60 percent of rural households accessed broadband Internet service in 2010. Additionally, according to an independent study by the Center for Social Inclusion, rural, poor, and communities of color are particularly disadvantaged by existing divides in broadband deployment.¹

It is undeniable that rural, tribal, and low-income communities lag the rest of the nation in access to fast, affordable, and reliable Internet service. Furthermore, of the total stimulus package awarded by the Obama administration, less than 6% went to African-American, Latino and women-owned firms or organizations.² That means more rural residents, particularly those living in communities with higher proportions of people of color, are missing out on opportunities for education, telemedicine, economic development, and civic participation. A report co-authored by several broadband scholars including Sharon Strover from the University of Texas at Austin and commissioned by the Center for Rural Strategies, regions that lack broadband will be economically crippled.³ The nation needs policies that acknowledge fast, affordable, and reliable Internet access as a necessity, not a luxury. Universal Service Fund reform presents an

¹ Center for Social Inclusion. 2009 "Broadband in the Mississippi Delta: a 21st Century Racial Justice Issue" <http://www.centerforsocialinclusion.org/publications/?url=broadband-in-the-mississippi-delta-a-21st-century-racial-justice-issue&pag=0>

² Kirwan Institute. 2010 "ARRA and the Economic Crisis One Year Later: Has Stimulus Helped Communities in Crisis?" http://fairrecovery.org/docs/ARRAEquityOneYearAnniv_Kirwan_Institute_Feb2010.pdf

³ Center for Rural Strategies, 2011 "Scholar's Roundtable: The Effects of Expanding Broadband to Rural Areas" http://www.ruralstrategies.org/sites/all/files/Broadband_Investment.pdf

opportunity to draft and implement effective policies that grant all communities the chance to participate in the digital present.

The Rural Broadband Policy Group

The Rural Broadband Policy Group is a national coalition of rural advocates for fast, affordable, and reliable Internet broadband access. The RBPG has two goals: 1) to articulate national broadband policies that provide opportunities for rural communities to participate fully in the nation's democracy, economy, culture, and society, and 2) to spark national collaboration among rural broadband advocates. The Rural Broadband Policy Group upholds the following principles in articulating broadband policies for rural America. We encourage the Federal Communications Commission to adopt our principles as it reforms the Universal Service Fund:

- Communication is a fundamental human right.
- Rural America is diverse.
- Local ownership and investment in community are priorities.
- Network neutrality and open access are vital.

Based on these principles, we believe all reform to the Universal Service Fund must include seven key recommendations in order to increase access to fast, affordable, and reliable Internet service in rural, tribal, and low-income homes:

1. Communities and tribes have the right to determine their telecommunications present and future.
2. USF efforts should be community-based and locally accountable.
3. Expand definition of eligible telecommunications carriers.
4. Create a safety net for analog users.
5. Involvement from states, tribal and local governments is essential.
6. Improve standards to more effectively identify unserved areas eligible for support.
7. Reclassify Internet service as a Title II service.

III. Recommendations

As more everyday activities move online, fast, affordable, and reliable access to the Internet becomes a necessity to participate fully in our nation's culture, society, economy, and democracy. Understanding and foreseeing the importance of access to telecommunications services, the Federal Communications Commission created the Universal Service Fund in 1997 precisely to "advance the availability of such services to all consumers, including those in low income, rural, insular, and high cost areas."⁴ The Rural Broadband Policy Group urges the Commission to adopt the following recommendations to reform this vital fund that protects the telecommunications future of rural, tribal, and low-income communities:

1. Communities and Tribes Have the Right to Determine Their Telecommunications Present and Future.

Rural America is diverse. There is no one-size-fits-all broadband solution for all rural communities. Therefore, national, state and local policies should respect the unique characteristics of each rural community. USF reform should not tie a community to a specific technology or service from a specific Internet Service Provider. The fund needs to support self-determination and permit rural communities to choose their own telecommunications solutions.

2. USF Efforts Should be Community-Based and Locally Accountable.

The Universal Service Fund is a vital source for ensuring the access to telecommunications services in rural, tribal, and low-income communities. The Rural Broadband Policy Group believes that the efforts funded by USF would be most effective and meaningful when they are community-based and locally accountable. A proposed solution to bring broadband access to unserved and underserved areas should:

- Be co-created with the community it seeks to serve,

⁴ Universal Service Administrative Company website. <http://www.usac.org/about/universal-service/>

- Respond to the requests of the community as a prerequisite to receiving and maintaining USF funding

To ensure local accountability, the Commission should consult with local communities about proposed solutions to bring broadband to their areas.

3. Expand Definition of Eligible Telecommunications Carriers.

The current definition of Eligible Telecommunications Carriers [ETCs] able to receive USF funds is limiting to the diverse needs and interests of rural, tribal, and low-income communities. In order to ensure that these communities get the opportunity to **choose community-based, locally accountable** solutions that best address their telecommunications present and future needs, the FCC must expand the definition of ETCs. As the FCC reforms the Universal Service Fund, the definition of “Eligible Telecommunications Carriers” must include non-profit and municipal carriers. In addition, ETCs should abide by “public interest obligations” that add value to the public, practice network neutrality and enhance open access. The Commission can track these “public interest obligations” by creating evaluation criteria and benchmarks that measure job creation and retention, local ownership of telecommunications infrastructure, and social capital formation.

4. Create a Safety Net for Analog Users.

Although digital innovation has progressed rapidly, the transition from analog to digital technology has not and will not happen overnight. For example, the transition from analog to digital television required a long-term, well-concerted strategy from local grassroots advocates, private interests, and government agencies. Furthermore, because even basic analog services are not available in all communities, USF funds for telephony are vital. With 68% telephone penetration and less than 10% broadband penetration in Native communities, it is critical that USF reform not have a detrimental effect on these basic telephony services in rural, tribal, and low-income communities. Instead, USF reform must create an analog safety net that protects these communities while simultaneously encouraging the deployment of advanced broadband services at affordable rates.

5. Involvement from States, Tribal and Local Governments is Essential.

Although the Universal Service Fund is a federal effort, there are also state funds that address these same goals locally. The Rural Broadband Policy Group encourages the federal and state Universal Service Funds to adopt the recommendations we have established in this document. Furthermore, we believe that coordination and involvement from state, tribal, and local governments is essential in the success of USF federal and state policies.

6. Improve Standards to More Effectively Identify Unserved Areas Eligible for Support.

The existing proposal to use the National Broadband Map to determine what areas are unserved is inadequate. The Map uses the presence of a single broadband connection within an area to label an entire zip code or census tract as “covered” by fast, affordable, and reliable access to the Internet, a standard that may greatly overstate the amount of coverage and render the ongoing needs of marginalized households invisible. In the same way, the census-block scale on which the National Broadband Map relies is too broad. An assessment of coverage should instead be conducted at street level to ensure accuracy and equity in deployment. Without the right data, USF reform can in fact leave eligible communities out of vital support. This also lends to the argument of why community participation in determining need and service requirements can be an important resource in allocating Fund support. The determination of unserved areas can best be made by communities themselves working with the support of federal and local agencies.

7. Reclassify Internet Service as a Title II Service.

In 2010, after much pressure from powerful telecommunications companies, the FCC proposed weak Net Neutrality rules that hardly protect wired Internet service and leave wireless Internet consumers vulnerable to powerful telecommunications corporations. At the same time, the Commission opted to decrease its authority and to maintain lax regulations on Internet Service Providers by not reclassifying Internet service under Title II. This decision was made even after some advocates, including

Commissioner Michael Copps, pointed out the danger of considering Internet service as an information service:

As broadband networks developed, the few companies that controlled the on-ramps to the Internet could interfere with and distort the development of technology, opportunities for entrepreneurship, and the choices available to consumers. As the Commission re-categorized telecommunications services as information services, this only amplified the potential for interference. (*Overcoming Challenges to Rural Broadband Deployment, Section B, Network Openness, 61-62*)

With a Federal Communications Commission unwilling to step into more authority in order to protect consumers more effectively and to strengthen rules to protect the openness of the Internet, rural communities are left vulnerable to the abusive and discriminatory practices of powerful Telecommunications corporations. As the FCC moves forward in its efforts to reform the Universal Service Fund, reclassifying Internet service as a Title II service, and implementing strong Net Neutrality rules become urgent steps in protecting the rights of rural consumers and providing access to fast, affordable, and reliable Internet service in rural, tribal, and low income homes.

The Rural Broadband Policy Group respectfully requests that the Federal Communications Commission establish its authority by reclassifying Internet Service under Title II, implement stronger Net Neutrality rules for both wireline and wireless service, prohibit “Paid Prioritization,” and focus on protecting consumers. We encourage the FCC to carry the principle of “nondiscrimination” and “openness” to the reform of the Universal Service Fund. As Commissioner Michael Copps stated in the 2009 Rural Broadband Report,

I have long advocated adopting a fifth principle of nondiscrimination. The principle would allow for reasonable network management but make crystal clear that the transformative power of the Internet is not to be limited by such techniques...Such a principle is particularly important in a rural context where a citizen may have only one option for broadband Internet access. (*Overcoming Challenges to Rural Broadband Deployment, Section B, Network Openness, 61-62*)

III. Conclusion

The Rural Broadband Policy Group commends the Federal Communications Commission for beginning the necessary and tremendous task of reforming the Universal Service Fund. We look forward to collaborating with you in this endeavor and in all efforts to increase access to fast, affordable, and reliable Internet service for rural, tribal, and low-income homes.